

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
SYNTEL STERLING BEST SHORES	:	
MAURITIUS LIMITED, et al.,	:	
	:	15 Civ. 211 (LGS)
Plaintiffs/Counterclaim-Defendants,	:	
	:	<u>ORDER</u>
-against-	:	(Plaintiffs' MIL 12)
	:	
THE TRIZETTO GROUP., et al.,	:	
	:	
Defendants/Counterclaim-Plaintiffs.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

Plaintiffs/Counterclaim-Defendants Syntel Sterling Best Shores Mauritius Limited and Syntel, Inc. (together, “Syntel”) move *in limine* (Dkt. No. 712) to preclude Defendants/Counterclaim-Plaintiffs The TriZetto Group, Inc. and Cognizant Technology Solutions Corp. (“Defendants”) from offering any evidence regarding certificates of registration and deposit copies for copyrighted works, other than for Facets version 5.10, best practices in ICD-10 configuration and Facets Roadmap Review, because they are irrelevant and unduly prejudicial, pursuant to Federal Rules of Evidence 401, 402 and 403.

To the extent that the motion seeks to preclude as exhibits the certificates of registration or deposit copies for works other than those on which TriZetto has sued, the motion is denied as moot because Defendants have agreed not to offer these documents into evidence at trial.

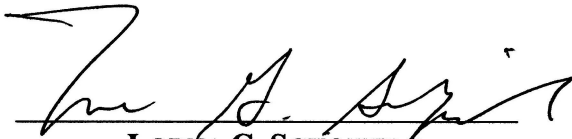
Defendants seek to introduce testimony that TriZetto has copyrights in versions of the Facets software that preceded the version at issue here. Defendants may elicit testimony about copyrights in prior versions to provide background about the copyrighted works at issue, including to show circumstantially that Data Dictionary is a part of Facets 5.10 or a derivative

work thereof. The testimony is probative of Defendants copyright infringement counterclaim, and the fact that Syntel disputes the inference that Defendants suggest does not make the evidence unfairly prejudicial. Syntel may cross-examine and argue to challenge that inference.

For these reasons, it is ORDERED that Syntel's motion *in limine* No. 12 is DENIED. Defendants may elicit testimony regarding copyrights in prior versions of the Facet software to provide background about the copyrighted works at issue here.

The Clerk of Court is respectfully directed to close the motion at Docket No. 712.

Dated: September 30, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE